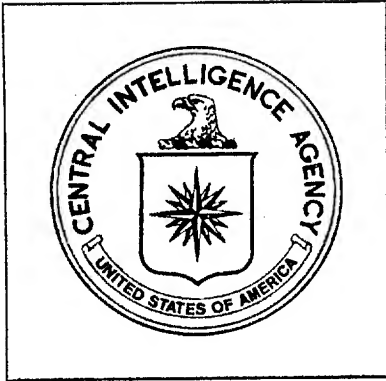


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# Law of the Sea Country Study

## *Philippines*

**Secret**

BGI LOS 74-10

May 1974

NATIONAL SECURITY INFORMATION  
Unauthorized Disclosure Subject to Criminal Sanctions

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§ 5B(1), (2), and (3)  
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Date Impossible to Determine

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# FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED]

[REDACTED] Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Basic and Geographic Intelligence. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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Draft articles submitted by Philippines to the Seabed Committee  
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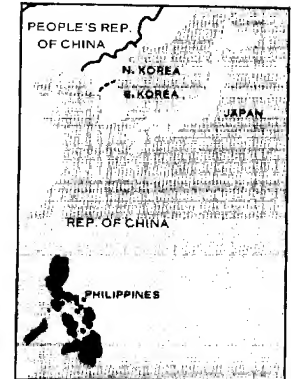
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## PHILIPPINES

### Part I - Law of the Sea Analysis

#### A. SUMMARY

The Republic of the Philippines occupies a strategic location astride major shipping routes that link the western Pacific with the China Seas and the Indian Ocean. The Philippines' primary concern at the June Law of the Sea (LOS) Conference in Caracas will be to seek international support for the archipelago theory that uses straight baselines to connect the outermost points of the outermost islands in the archipelago. In addition, the Philippines will solicit support for its "historic" territorial waters claim that gives it sovereignty over all water out to the demarcation lines established by the Treaty of Paris in 1898.



As a leading proponent of the archipelago theory, the Philippine Republic claims several straits as internal waters that are considered international by maritime nations. The Philippines Government recognizes the right of innocent passage for merchant ships through its internal waters, but it requires prior notification by all foreign warships other than U.S. naval craft. Unobstructed U.S. warship movement is acknowledged in accordance with the Military Base Agreements of 1947. The Philippines acknowledges innocent passage for all warships in the territorial sea.

The Philippines will continue to insist upon authorized passage for warships seeking to transit their internal waters. In exchange, they may agree to establish sealanes through the archipelago that can be used by all ships under the regime of innocent passage. The question of unimpeded passage of warships, however, will be a major point of contention.

Special economic and military agreements have linked the Philippines with the United States since World War II; these agreements are about to expire or have expired and are being renegotiated. The Philippines has become more independent and less compliant in their negotiations with the United States since 1968.

The government is in a state of political and economic uncertainty, making the overall development of national policy difficult to predict.

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It is faced with continuous hard fighting in the Muslim south, renegotiation of trade and security alliances, and the need to maintain public support for its martial law regime.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

The Republic of the Philippines is an archipelago nation in the western Pacific that straddles major shipping routes between the Pacific and the Malacca Strait and between Australia and East Asia. The archipelago embraces more than 7,000 islands with an area of 87,278 square nautical miles and 160,567 square nautical miles of water. In addition, 282,394 square nautical miles of water, extending from the perimeter of the archipelago to the 1898 Treaty of Paris demarcation lines, also are claimed (see Map 517239).<sup>\*</sup> The Philippines is currently involved in land disputes with South Vietnam, Malaysia, and, to a lesser extent, Indonesia. (The Philippines and South Vietnam claim the Spratly Islands, an island group in the South China Sea outside the Treaty of Paris demarcation lines; the country has a long-standing claim to Sabah, Malaysia's northernmost Borneo state; and Indonesia claims Las Palmas and Marore islands, which fall within the Philippine-claimed territorial sea.)

Interisland transport is important in the Philippines; large amounts of foodstuffs are moved from surplus-producing areas to major population centers and international ports. The larger cities and towns are located on or near the ocean and are focal points for domestic and international trade.

Uses of the Sea

Mineral Resources -- Proven offshore mineral resources are virtually nonexistent in the Philippines; the most promising resource is oil. Spurred by overdependence on Arab oil, the Philippines has placed renewed emphasis on encouraging foreign oil companies to wildcat in offshore waters. In 1972 President Marcos signed the Oil Exploration and Development Act that permitted foreign companies to enter into production-sharing contracts under even more favorable terms than those offered by Indonesia. Since 1972 at least four groups of oil companies have signed contracts with the Marcos government. Most of the contracts are for exploration in the Sulu Sea southeast of Palawan Island. Some concessions are near the East Malaysian state of Sabah, where oil strikes have already been recorded. Several concession blocks have been outlined in the disputed Spratly Islands northwest of Palawan outside the Treaty of Paris boundaries. Although bids have been accepted, there is no indication that the concessions have been awarded.

<sup>\*</sup>All water area figures are based on Philippine straight baselines established in 1961.

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Living Resources -- Philippine fish production was more than 1 million metric tons in 1972, doubling the fisheries output during the past decade by a yearly expansion rate of 8.5%. Most of the commercial fish are caught in the coastal waters of the central and southern Philippines and hauled to Manila for marketing. Of the total 1970 catch, the Sulu Sea, in the vicinity of Palawan, provided 58% of the total; the Visayan Sea 24%; and the overfished Manila Bay 5%. Although fish provides the primary take of both commercial and municipal fisheries, other forms of marine life are taken from the archipelago waters. Shrimp and other crustaceans are found throughout the archipelago; and especially large quantities are harvested in the Visayan Sea, Sulu Sea, Guimaras Strait, and Manila Bay. Other resources from the sea include sponges, mollusks (especially oysters), and hawksbill turtles. Although the demand for fish is great, the commercial fish catch usually accounts for less than 40% of the estimated total potential catch available in Philippine waters. Part of the low production can be attributed to the lack of modern vessels, outmoded fishing methods, inadequate port facilities, and the absence of processing and marketing facilities.

The Philippine Republic moved early to regulate and control fishing in their archipelago waters. In 1932 the Philippine Legislature passed the Fisheries Act, incorporating a number of provisions designed to protect and regulate fishing in coastal and deep sea waters of the archipelago. The act deals with topics particularly relevant to current LOS issues, such as marine pollution, unethical fishing techniques, and the licensing of scientific research vessels. The Philippine Government claims exclusive right to all commercial fishing within straight base-lines promulgated in 1961. In 1973 the government established a task force headed by its coast guard to check continuing territorial waters violations by foreign fishing vessels.

Marine Transportation -- Marine transportation is relied upon for importing and distributing essential consumer and producer goods and for carrying the country's export commodities. In 1972 the Republic of the Philippines merchant fleet consisted of 170 oceangoing vessels of 1,000 gross registered tons (GRT) and 101 interisland vessels in excess of 100 GRT. However, the 8,000 some smaller vessels that ply the archipelago waters provide the single most important thread of economic unity in the country. Even though shipping is of critical importance to the Philippines, only 25% of the nation's foreign trade was transported by Philippine-flag ships in 1970. The fleet has limped along for years on obsolete and uneconomic vessels acquired as war surplus from the United States. In recent years the country has attempted to improve its shipping industry by creating a Philippine International Trading Corporation, establishing a Philippine Port Authority to manage and operate the country's ports and, amending old shipping acts to assist acquisition of oceangoing vessels.

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Security of interisland marine transportation is one of the major considerations in the Philippines LOS negotiations. By Philippine calculations, over 1,000 of the 7,000 islands in the archipelago are inhabited and dependent upon secure domestic sealanes for trade and commerce, as well as political and economic integration. The large cities of the north, for example, are dependent upon surplus foodstuffs shipped from the southern islands. The Philippine Government fears that internal shipping lanes, as well as major population centers, could become easy prey for a belligerent nation with guaranteed access to its archipelago waters under international law.

Naval Considerations -- The Philippine Navy is a small patrol force that also functions as a seaborne transport service in support of ground forces and civilian components of the government. The primary peacetime mission is to control smuggling and piracy, mainly in the southern islands and seas. In wartime, its major mission is to protect interisland shipping and the country from seaborne invasion. Presently the force is not capable of performing its peacetime mission. Most of its ships, which have been procured from the United States under various U.S. military aid programs, suffer from deterioration and are in repair 40% of the time.

#### Political and Other Factors

The Philippine Republic is a member of several regional and international alliances for security and economic cooperation--the Association of Southeast Asian Nations (ASEAN), a mechanism for regional cooperation in Southeast Asia; the Asian and Pacific Council (ASPAC), a defense and anti-communist alliance comprising Japan, the Philippines, South Korea, South Vietnam, Taiwan, Thailand, Australia, and New Zealand; and the Southeast Asia Treaty Organization (SEATO). ASEAN is currently the most viable of these organizations.

The United States can no longer expect the Philippines to acquiesce in matters of state between the two countries. U.S.-Philippines relations have changed since the 1968 and 1970 demonstrations against U.S. military presence, and the Philippines has gradually become more independent and tougher in its renegotiations of military and economic agreements. This new-found nationalism, marked by a greater degree of independence and pride, probably will be reflected by the Philippine negotiators during the LOS conference.

The United States has the responsibility for the external defense of the Philippines through the Mutual Defense Treaty of 1952, the Military Bases Agreement of 1947 as amended, the Mutual Defense Assistance Agreement of 1953, and the Southeast Asian Collective Defense Treaty (SEATO) of 1954.



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The Philippines currently provides two major bases of strategic importance to U.S. operations in East Asia and the western Pacific--the Subic Bay naval complex and Clark Air Force Base--as well as several smaller military installations. In the face of growing Philippine nationalism, the United States has already turned the Sangley Point Naval Station over to the Philippines and renegotiated U.S. military base rights from 99 years to 25 years; additional base rights negotiations have been conducted at the low-level, but no agreement has been reached at higher levels.

In addition to the military and security alliances, the Philippine Republic also has had special economic and trade agreements with the United States over the past 20 years. The Laurel/Langley agreement, for instance, provided for preferential trade privileges between the two countries, as well as allowed U.S. citizens equal opportunity with Filipinos in investment and land ownership rights; the agreement expires in July 1974. The Philippines still desires trade agreements with the United States, but has also extended feelers to other countries. Philippine negotiators are already talking with the Soviet Union and are contemplating a *modus vivendi* with the People's Republic of China.

The government contends that without complete control over internal waters it cannot maintain territorial integrity and security. It is doubtful that international recognition of Philippine sovereignty over its archipelago waters would enhance defense against ships clandestinely entering surrounding waters. The southern Philippines has traditionally been a smuggling area where the Philippine Government has never exercised effective control. The smuggling most troublesome to the government involves the movement of guns and ammunition from Sabah to insurgent Muslims in western Mindanao and the Sulu archipelago.

### C. LAW OF THE SEA POLICY

#### The Archipelago Concept and the Territorial Sea

The Philippines primary goal at the 1974 Caracas LOS Convention will be to gain acceptance of the archipelago concept. Through Republic Act No. 3046 of June 1961, the Philippines adopted straight baselines to connect the outermost points of the outermost islands and to separate internal waters from territorial seas. Its internal waters claim uses a "liberal" interpretation of Article 4 of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone to enclose the archipelago. (The Philippines did not sign the 1958 Convention largely because it had no provisions for defining the waters of an archipelago nation.) The 1958 Geneva Convention allows for the right of innocent passage where baselines enclose waters previously considered high seas. The Philippines acknowledges the right of innocent passage for merchant ships transiting archipelago waters but insists upon prior notification for

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warships. The issue intensified in 1968 when the Philippines officially notified Britain and Australia that warships were not permitted to transit archipelago waters without prior notification. The Philippines uses the Military Base Agreement to justify the movement of U.S. warships through archipelagic waters.

The Philippines' definition of the territorial sea is unique. Nearly every country defines territorial seas by zones of uniform breadth--usually 3 to 12 miles--from baselines. Such is the case with Indonesia, Philippines' principal ally in promoting the archipelago concept. The Philippines, however, claims that its territorial seas extend from its baselines to the geographic parameters used in delimiting the islands under U.S. jurisdiction by the 1898 Treaty of Paris. The claim gives the Philippines a 300-mile territorial sea off the east coast of Luzon but only a one-half mile territorial sea along the Philippine-Sabah boundary. All waters between the straight baselines and the established parameters are termed "historic waters." The Philippines contend that subsequent treaties signed between the United States, Great Britain, and Spain recognize the existence of the "historic" territorial sea. The Treaty of Paris, however, refers only to sovereignty over the islands within the defined latitude-longitude parameters but does not detail sovereignty over the water.

The Philippines maintains that the unchallenged 76-year history of its territorial sea claim and the embodiment of this claim in the constitution, statutes, and various proclamations constitute a legitimate claim to the territorial sea. When the Philippines redrafted its constitution in November 1972, Article I was expanded to more clearly define its national territory in terms of LOS claims. The absence of international objections to the new constitution may well be used to gain further support for the "historic waters" concept. The Republic of the Philippines has not always espoused the "historic waters" claim. It began to consider such a claim only in 1956 after Peru, Ecuador, and other Latin American countries unilaterally extended their territorial waters to 200 miles. Even in 1958 the Philippine Foreign Office Legal Counselor indicated the Philippines still did not claim sovereignty or exclusive jurisdiction over all waters out to the Treaty of Paris limits. However, in 1961, at the time straight baselines were publicized, it also extended its territorial sea out to the broad Treaty of Paris demarcation lines.

Throughout the preparatory sessions to the LOS conference the Philippines has strongly espoused its archipelago claim. It has sought to win acceptance of its claim by other lesser developed countries, and ultimately have it incorporated into international law. To date the Philippines has tabled draft articles on archipelagos at the August 1973 session of the UN Seabed Committee and rejected a UK-sponsored archipelago formula that suggested a maximum 48 nautical mile baseline length and a 1:5 land-to-water ratio.

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When the United States' proposal on archipelagos was presented to the Philippines by Indonesia in April 1974, the Philippines responded indignantly. The Philippines was miffed when Indonesia acted as an intermediary for the United States, and it was further annoyed because the U.S. proposal did not reflect Philippine archipelago transit demands. The Philippines is primarily concerned with the security of its archipelago, and, in this context, it has indicated it would insist upon authorized passage for warships through archipelagic waters. The Philippines seemed to accept the proposed 1:5 land-to-water ratio and the 80-mile limit on the baseline length for archipelago sea boundaries. It could not, however, accept the 80% and 100-nautical mile concepts governing normal passage routes through archipelagic waters and navigational channels.\* The Philippines pointed out that this rule, which was acceptable to the Indonesians, did not apply to compact archipelagos like the Philippines. With such a formula, the Philippines indicated that it could not support the archipelago theory at the upcoming Caracas meeting and would be inclined to adhere to the Treaty of Paris for definition of its territorial limits. Subsequent meetings in May between U.S. emissaries and Solicitor General Mendoza led Mendoza to reemphasize the importance of defining an archipelagic state in such a way as to preserve the substance of the archipelago. Mendoza indicated that the current U.S. position on archipelagos ignored the basic concept of the archipelago theory that seeks to differentiate between internal and territorial waters and the associated differences in sovereign rights. The Solicitor General remarked that the Philippines would have more sovereignty over its waters if it abandoned the archipelago theory and relied on a 12-mile territorial sea rather than accept proposed U.S. transit routes through the archipelago. In addition, Mendoza indicated that the Philippines would designate sealanes through the archipelago only after its concept of innocent passage or authorized transit was accepted.

#### Straits

By constructing straight baselines around its outermost islands, the Philippines circumscribes at least eight straits considered international by maritime countries. Nearly all are used by ships on the Australia-New Zealand to Japan route or the Hawaii-Guam-Manila-Singapore/Malacca Strait route. Military and commercial vessels that sail between the United States and the South China Seas transit straits along the east-west axis of the Philippines. Philippine straits and passages may be transited by bulk carriers carrying raw materials from Australia to Japan. Currently commercial vessels transit straits under the regime of innocent passage. In a set of draft articles sub-

\*The United States proposed that archipelagic passage could take place in designated areas including all normal passage routes through archipelagic waters. Passage routes would include areas that at all points are not less than the narrower of (1) 80% of the area between the nearest points of land on the main islands or (2) 100 nautical miles.

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mitted to the UN Seabed Committee in August 1973 (see Annex), Fiji, Indonesia, Mauritius, and the Philippines indicated agreement to the right of innocent passage through the archipelago waters along selected sealanes. There was no specific mention in the articles of prior notification for warships, although one article dealt specifically with the right of an archipelago state should a warship not comply with the laws and regulations of the state governing passage through a sealane (see Annex). The Philippines can be expected to insist upon prior notification for warships seeking to transit the straits.

#### Continental Shelf

The Philippines is not a party to the 1958 Convention on the Continental Shelf; instead, it claims rights over the seabed and subsoil to the limits of exploitability. It will probably opt for broad coastal state jurisdiction over the continental shelf at the Caracas Convention. Its sovereignty claims extend far beyond the continental shelf margins, particularly into the deep seas east of the Philippines. The archipelago is surrounded by depths exceeding 200 meters except in the southwest where the Philippines shares the shelf with Sabah. Even the semienclosed Sulu Sea plunges to depths more than 1,800 meters. The Philippines currently uses the alleged continuity of the shelf in the South China Sea to extend claims over the Spratly Islands. The Spratlys lie northwest of Palawan outside the Treaty of Paris boundaries and are actually separated from the Philippine continental shelf by the 1,300-meter-deep Palawan Trench. The Philippines maintains that the trench is only an irregularity in the shelf and, therefore, cannot be used to isolate the Spratlys from the Philippines.

#### Deep Seabed

The Philippines agrees that an international regime should be established over the seabed beyond national jurisdiction, but it will not accept such a regime until the question of its territorial sea/archipelago claims are solved.

#### Marine Pollution

The Philippines first instituted laws on marine pollution in the 1932 Fisheries Act. Section 14 of the act cites numerous substances that are unlawful to place or discharge into the waters of the islands. In 1973 the Philippines along with 15 other countries signed draft articles that declared coastal states may establish or adopt and enforce standards for prevention of marine pollution from vessels in areas within their jurisdiction adjacent to their territorial sea.

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## Scientific Research

Rights to conduct scientific research were initially covered in the Fisheries Act of 1932. Section 19 of the act deals with granting permits, length of research time, and size of vessel to be used. The Philippines requires that research in waters under its jurisdiction be approved by the Philippine Government. Full information on the research objectives, the time and duration of research, the area of operation or deployment of equipment, and the personnel involved must be cleared with Philippine officials. Philippine scientists must be invited to participate in the research. The Philippines along with 15 other countries cosponsored a set of draft articles in 1973 (see Annex) that indicated coastal state consent should be given before scientific research is undertaken within the area under national jurisdiction. The Philippines supports complete freedom of scientific research beyond national jurisdiction and agrees that scientific research, as long as it is for peaceful purposes, is important for the transfer of technology to developing countries.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

The Philippines is currently under a martial law regime headed by Ferdinand Marcos. Although Marcos is the ultimate decisionmaker, he looks to Senator Arturo Tolentino and Solicitor General Mendoza for advice on LOS matters. Tolentino will probably head the Philippine delegation to the Caracas LOS Conference.

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Name and Position (as they appear  
in the latest UN listing)

Mr. Maxie S. AGUILLON  
Third Secretary  
Permanent Mission to the UN

Mr. Zoilo M. ALBERTO  
Attache  
Permanent Mission to the UN

Mr. Leovigildo A. ANOLIN  
Attache  
Permanent Mission to the UN

Mr. Lauro L. BAJA, Jr.  
Second Secretary  
Permanent Mission to the UN

\*H.E. Mr. Hortencio C. BRILLANTES  
Ambassador Extraordinary and  
Plenipotentiary  
Permanent Representative to the UN

\*Mr. Francisco A. COMSTI  
Assistant Director  
Bureau of Mines

Mr. Pacifico A. CASTRO  
Minister  
Philippine Embassy, Paris

Mr. Cecilio R. ESPEJO  
Minister  
Permanent Mission to the UN

Mr. Ernesto Z. ESTRELLADO  
Adviser  
Permanent Mission to the UN

Mr. Benjamin GONZALES  
Bureau of Mines

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
			X			
		X				
		X				
				X		X
X	X		X		X	
		X	X		X	
					X	
		X	X	X		
		X				
	X					

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Name and Position	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
*H.E. Dr. Jose D. INGLES Under-Secretary of Foreign Affairs	X	X	X	X	X	X	X
Mr. Mario C. MANANSALA Chief Geophysicist Bureau of Coast and Geodetic Survey		X	X	X	X	X	
Mr. Andres M. MANE Commissioner Philippines Fisheries Commission			X	X			
*Mr. Estelito P. MENDOZA Solicitor General of the Philippines	X	X	X	X	X	X	X
Miss Evelia L. MONTENEJO Attache Permanent Mission to the UN				X			
Mr. Innocencio RONQUILLO Chief Division of Marine Fishery Biology Bureau of Fisheries		X			X	X	
Hon. Vicente Abad SANTOS Secretary of Justice	X	X					
Colonel Samuel M. SORIANO Senior Legal Assistant Department of Defense						X	
Dr. Elvira O. TAN Senior Scientist National Science Development Board			X		X	X	
*H.E. Mr. Arturo M. TOLENTINO Ambassador Extraordinary and Plenipotentiary	X	X	X	X	X	X	X



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Name and Position

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
X	X	X	X	X	X	X

\*H.E. Mr. Alejandro D YANGO  
Ambassador  
Assistant Secretary for the  
United Nations Affairs and  
International Conferences  
Department of Foreign Affairs

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## Part II - Background Information

### Geography

World region: Southeast Asia and Pacific  
Category: Islands  
Bordering bodies of water: Philippine Sea, Leyte Gulf, Celebes Sea, Moro Gulf, Sulu Sea; Mindanao Sea, Sibuyan Sea, South China Sea  
Bordering semiencllosed sea: Philippine Sea, Celebes Sea, Sulu Sea, Mindanao Sea, Sibuyan Sea, South China Sea  
Bordering straits: Bashi (Luzon) (40.5 n. mi.), Balintang Channel (24 n. mi.), Verde Island Passage (4 n. mi.), San Bernardino Strait (8 n. mi.), Surigao Strait (10 n. mi.), Basilan Strait (7 n. mi.), Sibutu Passage (18 n. mi.), Balabac Strait (27 n. mi.), Mindoro Strait (20 n. mi.), Babuyan Channel (15 n. mi.)  
Area of continental shelf: 52,000 sq. n. mi., shared with Malaysia  
Area to 200 n. mi. limit: 551,400 sq. n. mi., shared with Malaysia and Indonesia  
Area to edge of continental margin: 65,000 sq. n. mi. (est.)  
Coastline: 14,000 mi.  
Land: 116,000 sq. mi.  
Population: 40,788,000 (est. based on 1970 Census)

### Industry and Trade

GNP: \$9 billion; \$225 per capita (1972)  
Major industries: agricultural processing, textiles, chemicals and chemical products  
Exports: \$1,683 million (f.o.b., 1973); copra, sugar, logs and lumber, coconut oil, copper concentrates, abaca  
Imports: \$1,408 million (f.o.b., 1973); machinery, mineral fuels, lubricants and related products, transportation equipment  
Major trade partners: exports - 37% U.S., 37% Japan; imports - 27% U.S., 33% Japan (1973)  
Merchant marine: 170 ships (1,000 GRT or over) totaling 870,000 GRT; 21 passenger, 111 dry cargo, 29 tanker, 9 refrigerator ships

### Marine Fisheries

Catch: 1 million metric tons valued at \$268 million (1970)  
Economic importance: 3% of GNP; employs 700,000 people (1972)  
Other fishing areas: Indonesia  
Species: round scad, slipmouth and sardines, chub mackerel, shrimp  
Marine fisheries techniques: use of trawl, bagnet, and purse seine  
Other countries fishing off coast: Taiwan, Japan

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Navy

Ships: 42 coastal patrol, 12 river/roadstead patrol, 6 mine warfare,  
11 amphibious, 11 auxiliaries, 26 amphibious craft, 13 service craft

Government Leaders

President: Ferdinand E. Marcos  
Foreign Minister: Carlos P. Romulo

Multilateral Conventions

International Convention for the Prevention of Pollution of the Sea by Oil.  
International Convention for the Safety of Life at Sea. (SOLAS)  
Agreement for the Establishment of the Indo-Pacific Fisheries Council.  
Nuclear Test Ban Treaty.

Bilateral Conventions

12-year fishing agreement with Indonesia granting Philippines right to  
fish territorial waters along the Coast of East and South Kalimantan,  
around Palau-palau Aru, and around West New Guinea.

Multilateral Declarations

In conjunction with Fiji, Indonesia, Mauritius, submitted Draft Articles  
on Archipelagos to the Seabed Committee in August 1973.

Membership in Organizations Related to LOS Interests

ADB. . . . .	Asian Development Bank
ASEAN. . . . .	Association of Southeast Asian Nations
ASPAC. . . . .	Asian and Pacific Council
Colombo Plan . . . . .	Colombo Plan for Cooperative Economic Development in South and Southeast Asia
ECAFE. . . . .	Economic Commission for Asia and the Far East
IAEA . . . . .	International Atomic Energy Agency
IHB. . . . .	International Hydrographic Bureau
Seabed Committee . . . . . (observer)	United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction
SEATO. . . . .	South-East Asia Treaty Organization
UN . . . . .	United Nations
UNESCO . . . . .	United Nations Educational, Scientific, and Cultural Organization

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## Present Ocean Claims\*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1950	3 n. mi.	Source reported
	1961	Straight base- lines. Archipelago.	Republic Act No. 3046 of June 17, 1961 <i>Treaty of Paris Dec. 10, 1898; U.S.-Spain Treaty of Nov. 7, 1900; U.S.-U.K. Treaty of Jan. 2, 1930.</i> <i>See A/CN. 4/99 (Yearbook of I.L.C. 1956, Vol. II, pp. 69-70)</i>
	1968		Act No. 5446 of Sept. 18, 1968 (Amendment)
Continental Shelf	1968		Presidential Proclamation No. 370 of Mar. 20, 1968 (See A/AC. 135/11 D, 47) <i>Seabed and subsoil to where depth admits of exploitation</i>
Exclusive Fishing	1961	Within stra- ight base- lines	Republic Act 3046
Straight Baselines	1961		Act No. 3046 <u>Limits in the Seas No. 33</u>
	1968		Act No. 5446 (Amendment)

\*Principal source: Limits of the Seas, National Claims to Maritime Jurisdiction, State Dept./INR, March 1973 and Revisions.

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Action on Significant UN Resolutions

- Moratorium Resolution  
(A/RES/2574 D, XXIV, 12/15/69) Abstain  
*Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.*
- LOS Conference  
(A/RES/2750 C, XXV, 12/17/70) In favor  
*Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.*
- LOS Conference, Timing and Site  
(A/RES/3029 A, XXVII, 12/18/72) Adopted w/o vote
- Indian Ocean as a Zone of Peace  
(A/RES/2992, XXVII, 12/15/72) In favor  
*Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.*
- Landlocked/Shelf-Locked Study Resolution  
(A/RES/3029 B, XXVII, 12/18/72) Abstain  
*Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.*
- Peruvian Coastal State Study Resolution  
(A/RES/3029 C, XXVII, 12/18/72) In favor  
*Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.*
- Permanent Sovereignty over Natural Resources  
(A/RES/3016 XXVII, 12/18/72) In favor  
*Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.*

SECRET

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COMMITTEE ON THE PEACEFUL USES OF THE  
SEA-BED AND THE OCEAN FLOOR BEYOND  
THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

ARCHIPELAGIC PRINCIPLES AS PROPOSED BY THE DELEGATIONS  
OF FIJI, INDONESIA, MAURITIUS AND THE PHILIPPINES

EXPLANATORY NOTE

This paper is submitted by Fiji, Indonesia, Mauritius and the Philippines for consideration by this Committee with a view to the principles enunciated therein being incorporated into the convention on the Law of the Sea. These principles are designed to accommodate not only the interests of archipelagic States but also other States and of the international community as a whole. They contain the definition of an archipelagic State, its rights over the waters of the archipelago, and the right of innocent passage for international navigation through the waters of the archipelago.

73-05064

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#### PRINCIPLES

1. An archipelagic State, whose component islands and other natural features form an intrinsic geographical, economic and political entity, and historically have or may have been regarded as such, may draw straight baselines connecting the outermost points of the outermost islands and drying reefs of the archipelago from which the extent of the territorial sea of the archipelagic State is or may be determined.
2. The waters within the baselines, regardless of their depth or distance from the coast, the sea-bed and the subsoil thereof, and the superjacent airspace, as well as all their resources, belong to, and are subject to the sovereignty of the archipelagic State.
3. Innocent passage of foreign vessels through the waters of the archipelagic State shall be allowed in accordance with its national legislation, having regard to the existing rules of international law. Such passage shall be through searoutes as may be designated for that purpose by the archipelagic State.

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LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

Cyprus, Greece, Indonesia, Malaysia, Morocco, Philippines, Spain and  
Yemen: draft articles on navigation through the territorial sea  
including straits used for international navigation

The question of navigation through the territorial sea including straits used for international navigation is one of the problems facing the Committee in its task to comply with the terms of General Assembly resolutions 2750 C (XXV) and 3029 A (XXVII).

The delegations co-sponsoring the present document wish to contribute to the progress of the Committee's work at this new and important stage of its proceedings and they consider that an appropriate means to achieve this aim is to submit draft articles on items 2.4 and 4.1 of the list of subjects and issues concerning navigation through the territorial sea and through straits used for international navigation, independently of the solutions that item 2.5 may receive in due course.

Although presented as separate articles, this draft is not intended to prejudice its eventual location within the convention or conventions which may be adopted by the future conference.

In drafting this document the following basic considerations have been taken into account:

(1) Navigation through the territorial sea and through straits used for international navigation should be dealt with as an entity since the straits in question are or form part of territorial seas.

(2) Regulation of navigation should establish a satisfactory balance between the particular interests of coastal States and the general interests of international maritime navigation. This is best achieved through the principle of innocent passage which is the basis of the traditional régime for navigation through the territorial sea.

73-05838

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E/CN.4.30/EC.11/L.16

English

Page 2

(3) The regulation should contribute both to the security of coastal States and to the safety of international maritime navigation. This can be achieved by the reasonable and adequate exercise by the coastal State of its right to regulate navigation through its territorial sea. Since the purpose of the regulation is not to prevent or hamper passage but to facilitate it without causing any adverse effects to the coastal State.

(4) The regulation should take due account of the economic realities and scientific and technological developments which have occurred in recent years; this requires the adoption of appropriate rules to regulate navigation of certain ships with "special characteristics".

(5) The regulation should, finally, meet the deficiencies of the 1958 Geneva Convention, especially those concerning the passage of warships through the territorial sea, including straits.

Section I. Rules applicable to all ships

Subsection A. Right of innocent passage

Article 1

Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Article 2

1. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by "force majeure" or by distress.

Article 3

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

2. Passage shall be continuous and expeditious. Passing ships shall refrain from manoeuvring unnecessarily; hovering, or engaging in any activity other than mere passage.

3. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

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4. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

5. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 4

The coastal State must not hamper innocent passage through the territorial sea. In particular, it shall not impede the innocent passage of a foreign ship flying the flag of a particular State or carrying goods owned by a particular State, proceeding from the territory of or consigned to such a State.

Article 5

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily and in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. Subject to the provisions of articles 8, 22, paragraph 3 and 23, there shall be no suspension of the innocent passage of foreign ships through straits used for international navigation which form part of the territorial sea.

Subsection B. Regulation of passage

Article 6

The coastal State may enact regulations relating to navigation in its territorial sea. Such regulations may relate, inter alia, to the following:

(a) Maritime safety and traffic and, in particular, the establishment of sea lanes and traffic separation schemes;

(b) Installation and utilization of facilities and systems of aids to navigation and the protection thereof;

(c) Installation and utilization of facilities to explore and exploit marine resources and the protection thereof;

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English  
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- (d) Maritime transport;
- (e) Passage of ships with special characteristics;
- (f) Preservation of marine and coastal environment and prevention of all forms of pollution
- (g) Research of the marine environment.

Article 7

In exercising the right of innocent passage through the territorial sea, foreign ships will not be allowed to perform activities such as

- (a) Engaging in any act of espionage or collecting of information affecting the security of the coastal State;
- (b) Engaging in any act of propaganda against the coastal State or of interference with its systems of communications;
- (c) Embarking or disembarking troops, crew members, frogmen or any other person or device without the authorization of the coastal State;
- (d) Engaging in illicit trade;
- (e) Destroying or damaging submarine or aerial cables, tubes, pipe-lines or all forms of installations and constructions;
- (f) Exploring or exploiting marine and subsoil resources without the authorization of the coastal State.

Article 8

The coastal State may designate in its territorial sea sea lanes and traffic separation schemes, taking into account those recommended by competent international organizations, and prescribe the use of such sea lanes and traffic separation schemes as compulsory for passing ships.

Article 9

1. The coastal State is required to give appropriate publicity to any dangers of navigation, of which it has knowledge, within its territorial sea.
2. The coastal State is required to give appropriate publicity to the existence in its territorial sea of any facilities or systems of aid to navigation and of any facilities to explore and exploit marine resources which could be an obstacle to navigation, and to install in a permanent way the necessary marks to warn navigation of the existence of such facilities and systems.

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Article 10

The coastal State may require any foreign ship that does not comply with the provisions concerning regulation of passage to leave its territorial sea.

Section II. Rules applicable to certain types of ships

Subsection A. Merchant ships

Article 11

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services. These charges shall be levied without discrimination.
3. The coastal State shall have the right to be compensated for works undertaken to facilitate passage.

Article 12

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:
  - (a) If the consequences of the crime extend to the coastal State; or
  - (b) If the crime is of a kind to disturb the peace of the country of the good order of the territorial sea; or
  - (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
  - (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.
2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the country whose flag the ship flies, before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

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English

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4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### Article 13

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceeding, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

#### Subsection B. Ships with special characteristics

#### Article 14

The coastal State may regulate the passage through its territorial sea of the following:

- (a) Nuclear-powered ships or ships carrying nuclear weapons;
- (b) Ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment;
- (c) Ships engaged in research of the marine environment.

#### Article 15

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign nuclear-powered ships or ships carrying nuclear weapons, in conformity with regulations in force in such a State.

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English  
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2. The provisions of paragraph 1 shall not prejudice any agreement to which the coastal State may be a party.

Article 16

The coastal State may require that the passage through its territorial sea of foreign ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment be conditional upon any or all of the following:

- (a) Prior notification to its competent authorities;
- (b) Coverage by an international insurance or guarantee certificate for damages that might be caused by such carriage;
- (c) Use of designated sea lanes.

Article 17

1. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea of foreign ships engaged in research of the marine environment, in conformity with regulations in force in such a State.

2. During their passage through the territorial sea, foreign ships engaged in research of the marine environment will not be entitled to carry out any scientific research or hydrographic survey without the explicit authorization of the coastal State.

Article 18

In order to expedite passage the coastal State shall ensure that the procedure of notification referred to in different articles of this section shall not cause undue delay.

Subsection C. Government ships other than warships

Article 19

The rules contained in subsections A and B of this section shall also apply to government ships operated for commercial purposes.

Article 20

1. The rules contained in articles 11, 15, 16 (a) and (c), 17 and 18 of this convention shall apply to government ships operated for non-commercial purposes.

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English  
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2. With such exceptions as are contained in any of the provisions referred to in the preceding paragraphs, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Warships

Article 21

The coastal State may require prior notification to or authorization by its competent authorities for the passage of foreign warships through its territorial sea, in conformity with regulations in force in such a State.

Article 22

1. Foreign warships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

2. Foreign warships exercising the right of innocent passage shall not perform any activity which does not have a direct bearing with the passage, such as:

- (a) Carrying out any exercise or practice with weapons of any kind;
- (b) Assuming combat position by the crew;
- (c) Flying their aircraft;
- (d) Intimidation or displaying of force;
- (e) Carrying out research operations of any kind.

3. Foreign warships exercising the right of innocent passage may be required to pass through certain sea lanes as may be designated for this purpose by the coastal State.

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

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THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

PHILIPPINES: DRAFT ARTICLE UNDER ITEM 2.2  
ON HISTORIC WATERS

Article ....

Historic rights or title acquired by a State in a part of the sea adjacent to  
its coasts shall be recognized and safeguarded.

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THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

PHILIPPINES: DRAFT ARTICLE UNDER ITEM 2.3.2  
ON BREADTH OF TERRITORIAL SEA

Article . . .

(Limit of the breadth of territorial sea.)

This article shall not apply to a part of the sea adjacent to the coasts  
of a State which it acquired by historic right or title.

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THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

PHILIPPINES: DRAFT ARTICLE UNDER 2.3.2 ON BREADTH OF TERRITORIAL SEA

Article 1

Each State shall have the right to establish the breadth of its territorial sea up to a limit not exceeding ..... nautical miles, measured from the applicable baseline.

The maximum limit provided in this Article shall not apply to historic waters held by any State as its territorial sea.

Any State which, prior to the approval of this Convention, shall have already established a territorial sea with a breadth more than the maximum provided in this Article shall not be subject to the limit provided herein.

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THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

DRAFT ARTICLES ON ARCHIPELAGOS

submitted by Fiji, Indonesia, Mauritius and the Philippines

ARTICLE I

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
3. For the purposes of these articles an archipelago is a group of islands and other natural features which are so closely interrelated that the component islands and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

ARTICLE II

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea is to be measured.
2. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
3. Baselines shall not be drawn to and from low-tide elevations unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
4. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off the territorial sea of another State.
5. The archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

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ARTICLE III

1. The waters enclosed by the baselines, which waters are referred to in these articles as archipelagic waters, regardless of their depth or distance from the coast, belong to and are subject to the sovereignty of the archipelagic State to which they appertain.
2. The sovereignty and rights of the archipelagic State extend to the air space over its archipelagic waters as well as to the water column, the seabed and subsoil thereof, and to all of the resources contained therein.

ARTICLE IV

Subject to the provisions of article V, innocent passage of foreign ships shall exist through archipelagic waters.

ARTICLE V

1. An archipelagic State may designate sealanes suitable for the safe and expeditious passage of ships through its archipelagic waters and may restrict the innocent passage by foreign ships through those waters to those sealanes.
2. An archipelagic State may, from time to time, after giving due publicity thereto, substitute other sealanes for any sealanes previously designated by it under the provisions of this article.
3. An archipelagic State which designates sealanes under the provisions of this article may also prescribe traffic separation schemes for the passage of foreign ships through those sealanes.
4. In the prescription of traffic separation schemes under the provisions of this article, an archipelagic State shall, inter alia, take into consideration:
  - a. the recommendation or technical advice of competent international organizations;
  - b. any channels customarily used for international navigation;
  - c. the special characteristics of particular channels, and
  - d. the special characteristics of particular ships or their cargoes.
5. An archipelagic State may make laws and regulations, not inconsistent with the provisions of these articles, and having regard to other applicable rules of international law, relating to passage through sealanes and traffic separation schemes as designated by the archipelagic State under the provisions of this article, which laws and regulations may be in respect of, inter alia, the following:

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page 3

- a. the safety of navigation and the regulation of marine traffic, including ships with special characteristics;
  - b. the utilization of, and the prevention of destruction or damage to, facilities and systems of aids to navigation;
  - c. the prevention of destruction or damage to facilities or installations for the exploration and exploitation of the marine resources, including the resources of the water column, the seabed and subsoil;
  - d. the prevention of destruction or damage to submarine or aerial cables and pipelines;
  - e. the preservation of the environment of the archipelagic State and the prevention of pollution thereto;
  - f. research of marine environment;
  - g. the prevention of infringement of the customs, fiscal, immigration, quarantine or sanitary regulations of the archipelagic State;
  - h. the preservation of the peace, good order and security of the archipelagic State.
6. The archipelagic State shall give due publicity to all laws and regulations made under the provisions of paragraph 5 of this article.
  7. Foreign ships exercising innocent passage through those sealanes shall comply with all laws and regulations made under the provisions of this article.
  8. If any warship does not comply with the laws and regulations of the archipelagic State concerning passage through any sealane designated by the archipelagic State under the provisions of this article and disregards any request for compliance which is made to it, the archipelagic State may suspend the passage of such warship and require it to leave the archipelagic waters by such route as may be designated by the archipelagic State. In addition to such suspension of passage the archipelagic State may prohibit the passage of that warship through the archipelagic waters for such period as may be determined by the archipelagic State.
  9. Subject to the provisions of paragraph 8 of this article, an archipelagic State may not suspend the innocent passage of foreign ships through sealanes designated by it under the provisions of this article, except when essential for the protection of its security, after giving due publicity thereto, and substituting other sealanes for those through which innocent passage has been suspended.
  10. An archipelagic State shall clearly demarcate all sealanes designated by it under the provisions of this article and indicate them on charts to which due publicity shall be given.

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COMMITTEE ON THE PEACEFUL USES OF THE  
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LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE

Australia, Canada, Chile, Colombia, Fiji, Indonesia, Japan, Malaysia,  
New Zealand, Peru, Philippines, Singapore and Thailand: draft resolution

The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond  
the Limits of National Jurisdiction,

Recalling the suggested statement of views submitted to Sub-Committee III at the  
8th meeting of that Sub-Committee,\*/

Further recalling the resolution on the subject of nuclear testing adopted by the  
United Nations Conference on the Human Environment, as well as Principle 26 of the  
Declaration on the Human Environment adopted by the same Conference,

Acting in furtherance of the principles of the partial Nuclear Test Ban Treaty,

Having noted the concern of the nations and peoples of the Pacific at, and their  
opposition to, the conduct of the nuclear weapon tests in that region,

Bearing in mind its obligation to propose legal norms for the preservation of  
the marine environment and the prevention of marine pollution;

1. Declares that no further nuclear weapons tests likely to contribute to the  
contamination of the marine environment should be carried out;
2. Requests its Chairman to forward this resolution to the Secretary-General of  
the United Nations for referral to the appropriate United Nations bodies,  
including the Conference of the Committee on Disarmament.

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\*/ (A/8421, Annex V)

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THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE III

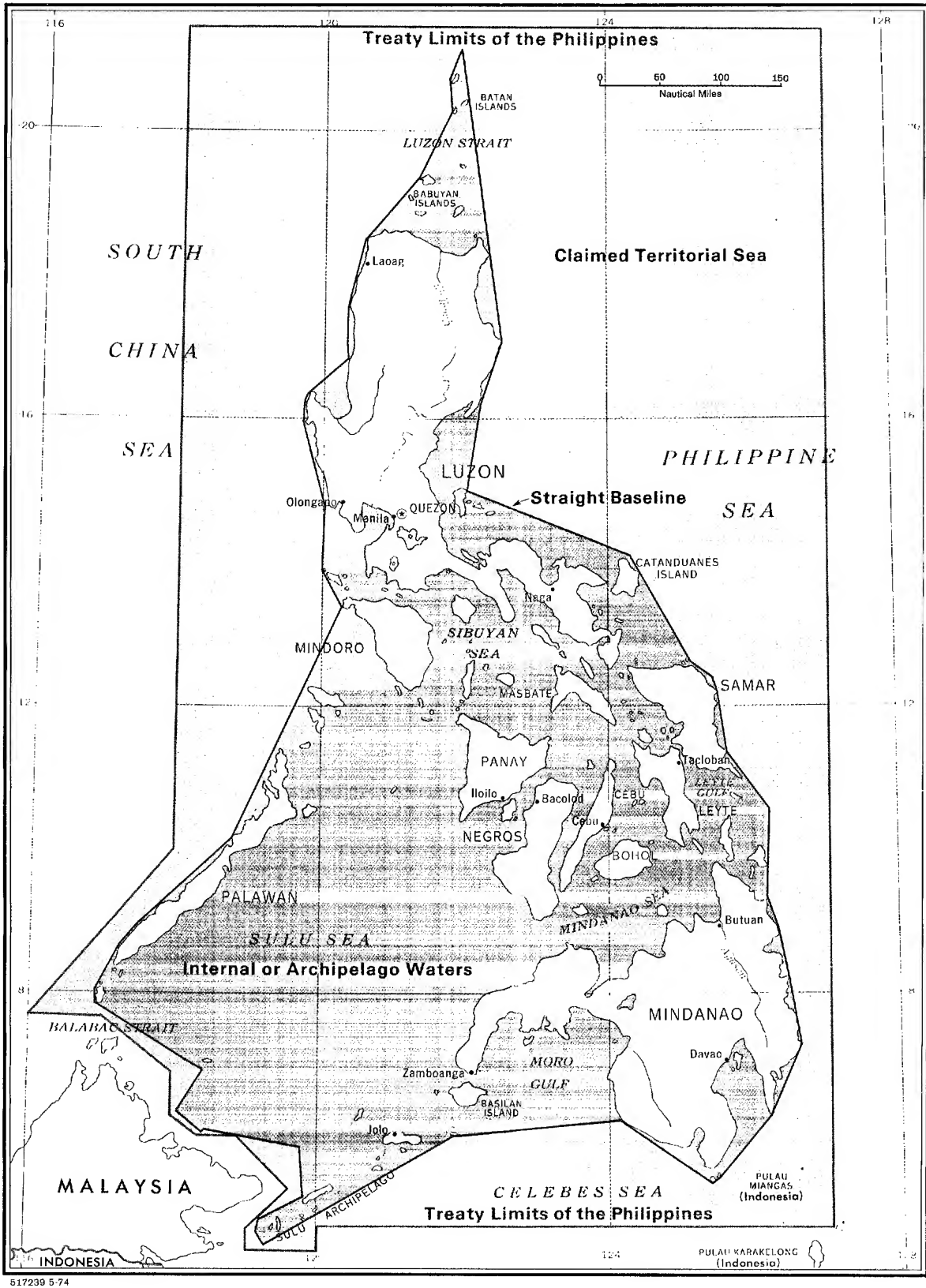
Algeria, Brazil, China, Ethiopia, Egypt, Iran,  
Kenya, Pakistan, Peru, Philippines, Romania,  
Somalia, Trinidad and Tobago, Tunisia, Yugoslavia:

Draft article on consent to conduct marine  
scientific research

Whenever, according to this Convention, the consent of a coastal State is requested for undertaking marine scientific research in the areas under its sovereignty and national jurisdiction the explicit consent of that State shall be obtained before such activity is undertaken.

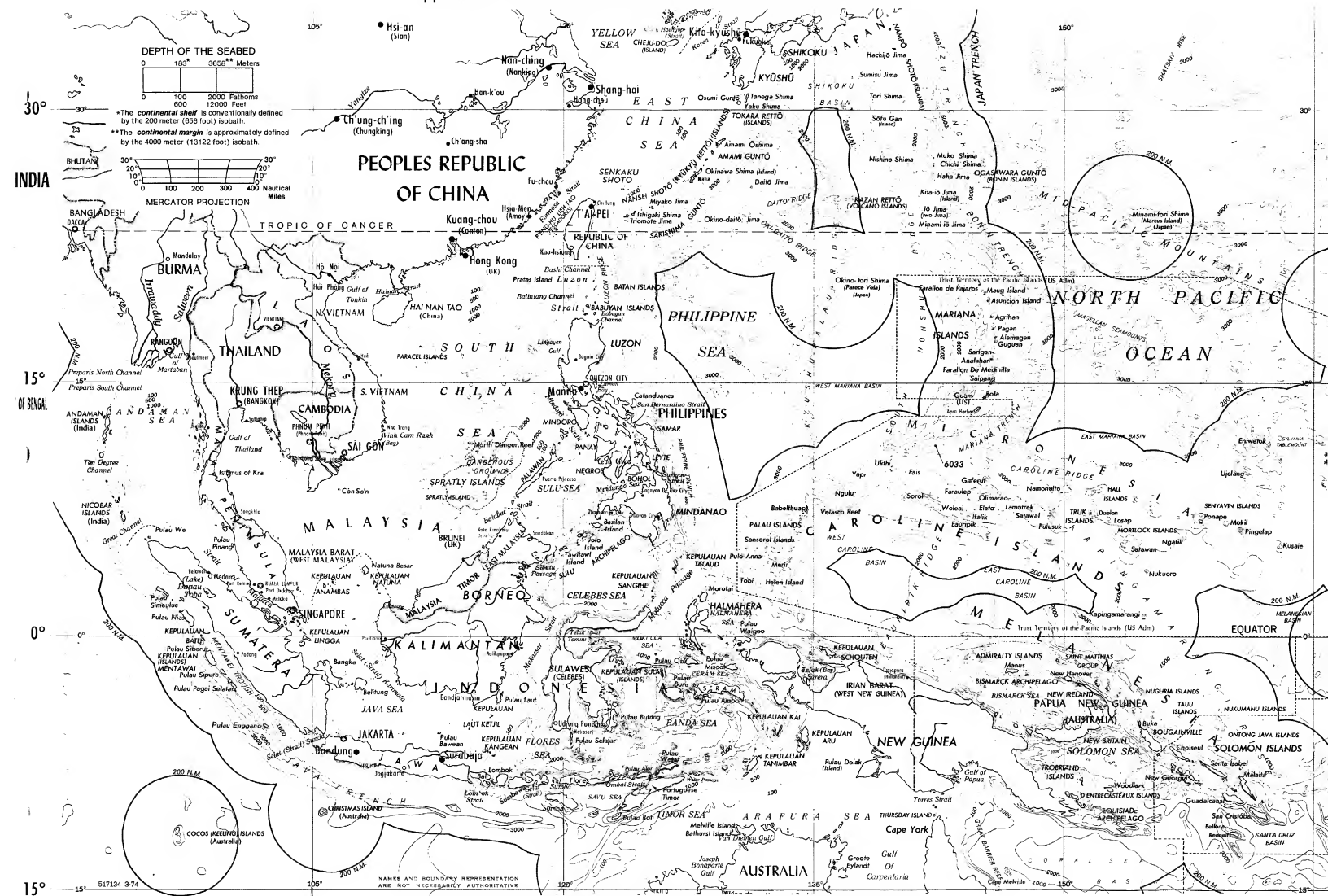
GE.73-51347

## Archipelago and Territorial Sea Claims of the Philippines

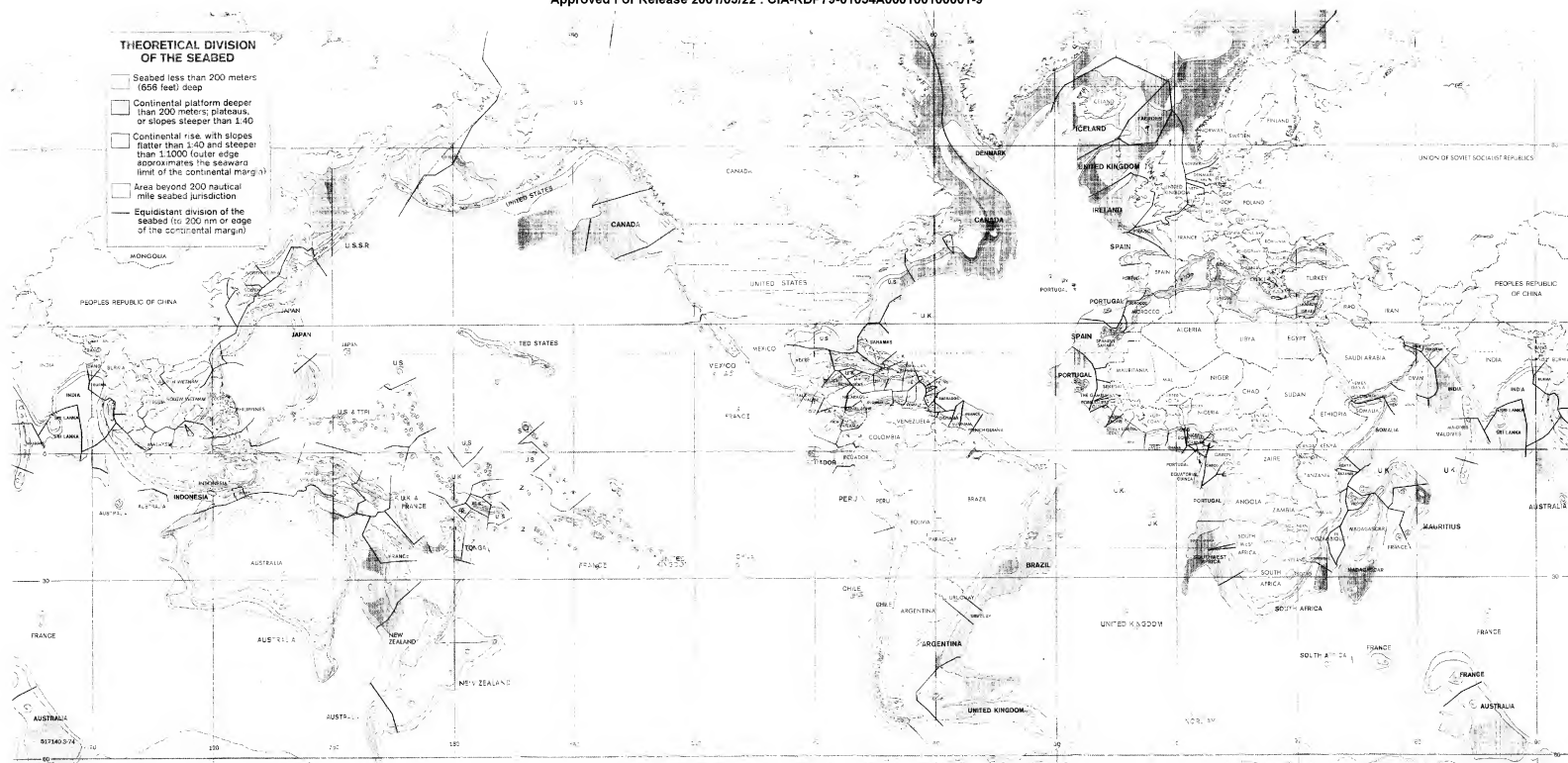




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